

Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

Testimony on SB 109

(paid leave of absence on Veterans Day to employees who are veterans)

Senate Committee on Veterans and Military Affairs, Biotechnology and
Financial Institutions. 400 Southeast

Wednesday August 1, 2007

Senator Jim Sullivan (Chair)
Senator Spencer Coggs (Vice-Chair)
Senator Tim Carpenter

Senator Joseph Leibham
Senator Ted Kanavas

Chairman Sullivan and members:

Thank you for the opportunity to speak in favor of Senate Bill 109 today. Senator Hansen could not be here, so I am speaking in support as the Assembly Co-sponsor of this legislation.

Senate Bill 109 seeks to provide a paid leave of absence on Veterans Day to state employees who are veterans.

Veterans Day began as "Armistice Day" to commemorate the signing of the armistice on November 11, 1918. Germany surrendered to Allied Forces on the 11th hour of the 11th day of the 11th month in 1918, bringing an end to World War I, "the war to end all wars." President Roosevelt made November 11th an official federal Holiday in 1938 and President Gerald Ford returned the official day of observance to November 11th in 1975.



While Memorial Day was established to honor soldiers who gave their lives in defense of our country, Veterans Day is a day to honor all who served honorably in our nation's military.

Although the federal government and banks offer the day off to their employees, it's ironic that those who served honorably in our military and for whom this day was established, do not get the day off if they are employed in state or local government or the private sector. This is their day, and they should be able to take the day off, with pay, without fear of reprisal from their employer.

Senate Bill 109 will require all employers in the state, whether public or private, to provide a paid leave of absence on Veterans Day or the following Monday if Veterans Day falls on a weekend, to all veterans working in Wisconsin. It's the least we can do to honor those who have risked so much for the freedoms we hold dear.

Thank you.



Wisconsin Manufacturers & Commerce

Wisconsin Manufacturers'
Association • 1911

Wisconsin Council
of Safety • 1923

Wisconsin State Chamber
of Commerce • 1929

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TO: Members of the Senate Veterans and Military Affairs,
Biotechnology & Financial Institutions Committee

FROM: John Metcalf, Director, Human Resources Policy

DATE: August 1, 2007

RE: Senate Bill 109 – Product Liability Standards

Background

This bill requires that every public and private employer in this state grant to each employee who is a veteran a paid leave of absence for the entire workday on Veterans Day, or on the following Monday if Veterans Day falls on a Saturday or Sunday. Under the bill, for employees who are included in a collective bargaining unit, the paid leave of absence is granted only if so provided in a collective bargaining agreement.

The bill prohibits an employer from discharging or discriminating against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for taking a paid leave of absence on Veterans Day; opposing a discharge or discrimination in violation of the bill; filing a complaint or attempting to enforce a right under the bill; or testifying or assisting in any action or proceeding to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD), and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law. That processing may include the ordering of back pay, reinstatement, or compensation in lieu of reinstatement.

WMC Position - Oppose

WMC opposes Senate Bill 109 for the following reasons:

- In the contemporary workplace the trend in employee benefits is to provide “banks” of discretionary leave for purposes of the employee’s choosing to meet their needs. This approach allows employers and employees to work out leave and employment schedules to accommodate their respective needs. Senate Bill 109 “trumps” this process by requiring employers to provide leave on a specific date to specific employees—a mandate that cannot always be accommodated. Note that Wisconsin State Government took this contemporary approach to this issue recently, by creating an additional day of discretionary leave for all state workers, but without designating that the leave be taken on Veterans Day.
- The bill creates a new administrative burden on Wisconsin employers in that most employers do not currently collect information on the past military status of their employees. Further, while the bill references the discharge status of the employee, the mechanism for certification of a worker’s discharge status is not addressed.
- The bill creates a broad remedial structure under which employers may be sued once an employee requests leave under this provision. In addition to

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a penalty for denying leave, the bill also creates employment protections—the ability to file a complaint—if an employee believes that any of the terms and conditions of their employment have been affected by taking or requesting to take leave.

- Neither Wisconsin nor federal law requires leave—paid or unpaid—for any holiday, official or otherwise. State and federal law recognizes an extensive list of legal state holidays when government business is not transacted. However, the fact that segments of government do not function on those days does not mean other segments of the private sector can be closed. Service industries must function every day of the week and year.
- Certainly, other groups or even individuals may feel that they should be granted leave on certain legal, official and other holidays of particular significance to them or to their community. However, if government tries to engage in the enumeration of mandate holidays from employment, the list is potentially a very long one.

Conclusion

For these reasons, WMC opposes SB 109, and urges the Committee to vote against this legislation.

*from John Metcalf***More From Forbes**
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Special Report

The Best States For Business

Kurt Badenhausen, 07.11.07, 6:00 AM ET

You use its products every day—when you take a cross-country flight on a Boeing jet, when you sip your morning Starbucks coffee, when you order the latest Harry Potter book from Amazon.com and when you use the Microsoft operating system on your PC. Washington state is home to these companies and more, befitting the state's tagline, "Innovation is in our nature."

In Forbes.com's second annual Top States for Business, Virginia may be the top-ranked state for the second straight year, but Washington is the big story. The biggest mover (tied with Tennessee), rising from 12th to fifth place, Washington is also the only state to finish in the top five in three main categories (labor, regulatory environment and growth). And Washington's numbers are up across the board when you look both backward and at projections into the future.

In Pictures: The Best States For Business

Table: The Best States For Business

"We're blessed by birth. We have an innovative spirit in the state," says Washington's Gov. Christine Gregoire, who adds: "We've made improvements to get out of the way and let innovation and creativity take over."

Not that Virginia did badly—it just didn't dominate the rankings the way it did last year. The state finished in the top 10 in four of the six main categories we examined. But in 2006, it finished in the top 10 of all of them. Virginia's top attributes include an incentive environment that is the fourth-best in the country, according to Pollina Corporate Real Estate, a commercial real estate consulting firm, as well as an unemployment rate that's the third lowest in the nation.

Moving up to the second spot this year was Utah, from fourth place in 2006. Utah benefited from low business costs (9% below the national average) and a strong current economic environment. The state's five-year job growth rate jumped to 1.8%, from 1.3% last year, while incomes growth improved to 3.2%, from 2.2%.

Our second runner-up was North Carolina, whose capital, Raleigh, is our best metro area for business and careers. North Carolina has the second-lowest labor costs in the country (18% below the national average), and incomes are projected to increase 3.8% annually over the next five years, the second-fastest rate in the country.

We have been ranking the Best Metro Areas For Business and Careers for nine years, and this ranking of states looks at many of the same factors, including business and living costs, job and income growth and educational attainment. But we go a step further with this ranking in several ways.

First, we look at projections of job, income and gross state product growth. We also examine venture capital money going into an area as well as new businesses that have cropped up in the past three years. Another addition is the role that government plays on the business climate in terms of environmental and labor laws, as well as taxes and incentives. These factors play out on the state level instead of on the local level. Overall, we

examine 32 criteria to assemble the list.

One of Washington's big strengths is reduced red tape. The Office of Regulatory Assistance helps individuals and businesses sort through the many layers of government regulation all in one place. If a number of state agencies need to be contacted for a new business to obtain permits, it can be handled from one source.

That's part of why Washington has had more businesses open per capita the past three years than any other state in the U.S. Another reason: A culture of innovation. "Innovation is the common thread throughout every industry in Washington," says Juli Wilkerson, who heads up Washington's economic development office. Venture capital spending in the state is the fifth-highest in the country, totaling \$2.6 billion the past three years.

This climate of creativity dates back to the early 1900s, when John Nordstrom opened his first shoe store, William Boeing built his first airplane and Friedrich Weyerhaeuser built the world's largest saw mill of its time. Today, Nordstrom, Boeing and Weyerhaeuser have combined sales of \$90 billion.

Another attractive part of Washington's economy is its low energy costs—28% below the national average last year, according to economic research firm Moody's Economy.com. The state's energy costs are the sixth-lowest in the country. Power costs for fellow Pacific-coaster California are twice as high.

No wonder Washington is booming. "Businesses that we are competing for now typically tell us that they have eliminated California from their thinking because of the time that it takes to get what they need to construct or expand and the cost of doing business," says Gregoire.

Washington is also prime territory for companies looking to do business in both Asia and Europe. The Seattle-Tacoma port is the fourth largest in the United States, behind Long Beach, Calif., Los Angeles and New York.

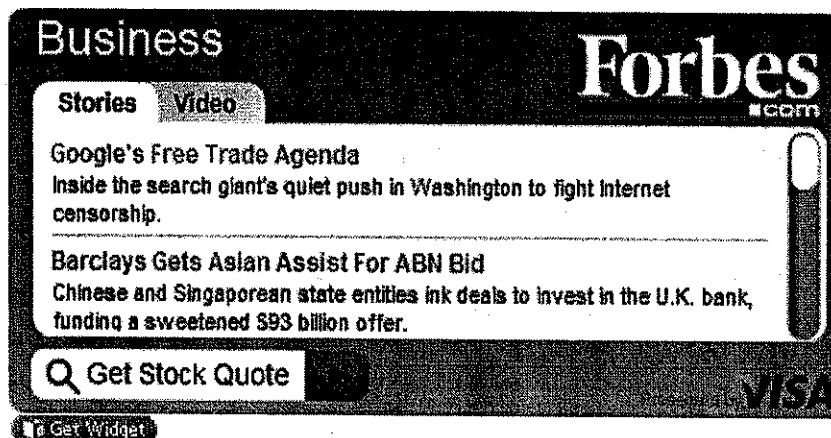
As the birthplace of some of the world's most powerful companies, Washington is also home to many of the world's richest individuals—including Microsoft's Bill Gates and Paul Allen, Amazon.com's Jeffrey Bezos, cable magnate Craig McCaw and Starbucks founder Howard Schultz. This is helping spur more economic activity in the region. "We want to be a center for global health," says Gregoire.

Helping to fuel the idea of a Washington as a global health center is the Bill & Melinda Gates Foundation, based in Seattle. The foundation, which strives to enhance health care around the world, has an endowment of \$33 billion. Seattle is also home to the Fred Hutchinson Cancer Research Center, one of the leading cancer research institutes in the world.

With a highly educated work force and a pro-business regulatory environment, Washington is poised to remain one of the best states to do business in—and to climb even higher on next year's list.

In Pictures: The Best States For Business

Table: The Best States For Business



A screenshot of a Forbes.com Business widget. The header includes the word "Business" and the "Forbes.com" logo. Below the header are two tabs: "Stories" (selected) and "Video". The main content area lists two articles: "Google's Free Trade Agenda" with a sub-headline "Inside the search giant's quiet push in Washington to fight internet censorship," and "Barclays Gets Asian Assist For ABN Bid" with a sub-headline "Chinese and Singaporean state entities ink deals to invest in the U.K. bank, funding a sweetened \$93 billion offer." At the bottom of the widget is a search bar with the text "Q Get Stock Quote" and a "VISA" logo in the bottom right corner.

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The Best States For Business

OVERALL RANK	2006 RANK	STATE	BUSINESS COSTS RANK ¹	LABOR RANK ²	REGULATORY ENVIRONMENT RANK ³	ECONOMIC CLIMATE RANK ⁴	GROWTH PROSPECTS RANK ⁵	QUALITY OF LIFE RANK ⁶	POPULATION	GROSS STATE PRODUCT (\$BIL)	FIVE-YEAR CHANGE (%)	GOVERNOR
1	1	Virginia	17	5	1	11	8	6	7,644,230	335	4.4	Tim Kaine
2	4	Utah	12	11	17	9	16	12	2,514,200	81	3.5	Jon Huntsman
3	3	North Carolina	6	22	2	27	5	30	8,783,550	336	3.7	Michael Easley
4	2	Texas	21	26	7	10	2	28	23,261,060	888	3.9	Rick Perry
5	12	Washington	33	4	5	16	4	32	6,369,300	256	3.0	Christine Gregoire
6	6	Idaho	11	10	30	3	23	27	1,462,790	45	4.6	C.L. Otter
7	9	Florida	31	15	12	1	3	35	18,138,140	616	4.9	Charlie Crist
8	5	Colorado	35	2	15	33	1	23	4,736,630	206	3.4	Bill Ritter
9	13	North Dakota	5	37	16	11	42	14	636,480	22	3.5	John Hoeven
10	14	Minnesota	32	13	19	23	26	1	5,171,890	224	3.8	Tim Pawlenty
11	8	Delaware	7	14	32	39	14	15	854,950	52	3.5	Ruth Ann Minner
12	11	Maryland	41	3	24	8	15	21	5,642,140	228	4.0	Martin O'Malle
13	20	Tennessee	3	39	13	15	21	37	6,011,440	215	4.1	Phil Bredesen
14	18	New Hampshire	39	1	42	14	13	5	1,320,830	54	4.1	John Lynch
15	10	Georgia	23	25	4	34	17	29	9,228,230	345	3.3	Sonny Perdue
16	22	Missouri	14	20	8	44	37	17	5,831,010	199	2.3	Matt Blunt
17	7	Nebraska	15	36	11	30	38	13	1,767,360	66	3.3	David Heineme
18	15	Arizona	30	6	37	6	11	40	6,118,130	212	5.5	Janet Napolitan
19	16	New Jersey	46	9	33	25	7	3	8,770,910	425	3.7	Jon Corzine
20	21	Kansas	29	18	8	49	22	18	2,750,080	99	3.2	Kathleen Sebelius
21	24	Arkansas	9	40	22	17	9	45	2,805,840	80	3.8	Mike Beebe
22	26	Nevada	19	24	31	6	10	48	2,483,120	106	7.0	Jim Gibbons
23	27	South Carolina	20	28	6	36	17	43	4,296,160	133	3.0	Mark Sanford
24	25	Iowa	8	43	26	22	44	11	2,978,920	111	4.2	Chet Culver
25	17	South Dakota	1	31	45	17	35	24	778,410	29	4.2	Mike Rounds
26	29	New Mexico	10	34	43	5	6	50	1,952,650	62	4.1	Bill Richardsor
27	32	Indiana	4	46	18	40	39	20	6,298,140	226	3.4	Mitchell Daniel
28	31	Oregon	26	7	34	32	19	38	3,684,490	134	3.8	Ted Kulongosk
29	23	Wyoming	2	35	48	4	36	39	512,830	23	4.2	Dave Freudenthal
30	19	Oklahoma	18	47	14	20	30	36	3,564,570	104	2.8	Brad Henry
31	28	Connecticut	44	8	40	37	24	4	3,528,260	189	3.2	M. Jodi Rell
32	30	Vermont	45	12	35	26	40	10	624,680	22	3.8	Jim Douglas
33	35	New York	48	33	20	21	26	19	19,261,520	947	3.9	Eliot Spitzer
34	36	California	50	17	39	17	12	26	36,460,740	1,606	4.5	Arnold Schwarzenegge
35	40	Alabama	27	45	23	23	20	41	4,599,260	140	3.9	Robert Riley
36	37	Massachusetts	49	19	29	47	29	2	6,403,120	322	2.9	Deval Patrick
37	42	Hawaii	47	16	38	2	40	33	1,279,100	49	4.1	Linda Lingle
38	34	Ohio	36	42	8	45	49	9	11,489,710	416	2.6	Ted Strickland
39	41	Pennsylvania	38	31	27	35	46	7	12,466,570	458	2.9	Edward Rendel

OVERALL RANK	2006 RANK	STATE	BUSINESS COSTS RANK ¹	LABOR RANK ²	REGULATORY ENVIRONMENT RANK ³	ECONOMIC CLIMATE RANK ⁴	GROWTH PROSPECTS RANK ⁵	QUALITY OF LIFE RANK ⁶	POPULATION	GROSS STATE PRODUCT (\$BIL)	FIVE-YEAR CHANGE (%)	GOVERNOR
41	33	Kentucky	16	41	28	48	25	34	4,201,730	133	3.2	Ernie Fletcher
42	38	Montana	24	21	47	13	48	42	942,050	27	4.3	Brian Schweitzer
43	48	Mississippi	13	48	25	40	34	47	2,935,350	71	2.2	Haley Barbour
44	39	Wisconsin	34	38	44	38	33	8	5,563,380	209	3.3	Jim Doyle
45	43	Rhode Island	42	23	49	28	28	25	1,079,590	40	3.1	Don Carcieri
46	45	Michigan	40	44	3	50	47	31	10,139,150	365	2.1	Jennifer Granholm
47	47	Alaska	28	29	36	42	32	44	669,140	32	3.8	Sarah Palin
48	46	Maine	43	27	46	30	42	16	1,327,750	42	3.1	John Baldacci
49	50	Louisiana	22	50	41	43	45	49	4,467,120	126	-0.9	Kathleen Blanco
50	49	West Virginia	25	49	50	29	50	46	1,820,740	46	1.6	Joe Manchin III

1 Index based on cost of labor, energy and taxes.

2 Measures educational attainment, net migration and projected population growth.

3 Measures regulatory and tort climate, incentives, transportation and bond ratings.

4 Reflects job, income and gross state product growth as well as unemployment and presence of big companies.

5 Reflects projected job, income and gross state product growth as well as business openings/closings and venture capital investments.

6 Index of schools, health, crime, cost of living and poverty rates.

Sources: Moody's Economy.com; Pollina Corporate Real Estate; Pacific Research Institute; Tax Foundation; CFED, Sperling's